

Serial No.: 09/975,027  
Docket No.: 48617.0200

### **REMARKS**

Applicants hereby reply to the Final Office Action dated May 4, 2005 within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-21 were pending in the application and the Examiner rejects claims 1-21. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

### **Rejection under 35 U.S.C. § 103(a)**

The Examiner rejects claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Killcommons et al., U.S. Patent No. 6,424,996 ("Killcommons") in view of Moshfeghi et al., U.S. Patent No. 6,076,166 ("Moshfeghi"). Applicants respectfully traverse these rejections.

Killcommons generally discloses a system for storing medical multimedia files, wherein the files can be assembled into an email package and/or viewed within a browser application. Specifically, Killcommons discloses a tool to facilitate management of medical images and information which can be disseminated to users through either email communications or the Web. Medical images may include digital scans, photographs, video and sound. The Killcommons system collects files from various locations, assembles the file elements and delivers them to a user within an email message or web page. A user viewing a patient's electronic file may view various images and/or multimedia clips through an interface. The interface provides a number of tools to enable the user to select and manipulate images, create text and voice annotations and perform measurements and angle calculations.

The Examiner correctly notes that Killcommons does not "disclose that the user is authorized, or that the user inputs a unique identifier" (page 2, item 3, paragraph 3). However, the Examiner asserts that Moshfeghi discloses this limitation.

Moshfeghi generally discloses a system for managing patient medical information via a secured hospital intranet. Specifically, Moshfeghi discloses a web server facilitating dynamic assembly of web pages based on user information such as the user's relationship with the hospital, presumed needs and access rights. The Moshfeghi system stores preferences for each user and uses preferences information to dynamically create web pages to best suit the user's screen resolution, network connection, browser capabilities,

Serial No.: 09/975,027  
Docket No.: 48617.0200

environmental lighting and the like. When a user accesses the Moshfeghi system, the user is identified by IP address, smart card, active badge, etc. in order to retrieve the appropriate preferences information.

While both Killcommons and Moshfeghi disclose systems for compiling medical information including text and multimedia for presentation to remote users, each are generally directed toward systems for facilitating communication of medical information. For example, Killcommons discloses enabling two or more users to view information regarding a patient and to communicate in a "chat like" environment. However, neither Killcommons, nor Moshfeghi enable users to manipulate or modify images and/or template overlays. As such, neither Killcommons, Moshfeghi, nor any combination thereof disclose or suggest at least, "facilitating real time interaction by said first and said second authorized users to place and manipulate said template and said medical images" as recited by amended independent claim 14.

Claims 15 and 16 depend from independent claim 14. Claims 15 and 16 are differentiated from the cited references for at least the same reasons as set forth above, as well as their own respective features.

The Examiner rejects claims 1-13 and 17 under 25 U.S.C. 103(a) as being unpatentable over Killcommons in view of Moshfeghi in further view of Kennedy, U.S. Patent No. 5,360,446 ("Kennedy") and in further view of Knight, U.S. Patent No. 6,344,853 ("Knight"). Applicants respectfully traverse these rejections.

The Examiner correctly notes that Killcommons in view of Moshfeghi does not "disclose displaying a template on said web page, wherein said template comprises an image which said authorized user may place on one of said medical images" (page 4, paragraph 2). However, the Examiner asserts that Kennedy discloses overlaying a template on a medical image. The Examiner further asserts that "while the template disclosed in Kennedy is not displayed on a web page, it is known in the art that a template may be displayed on a web page, where the template is placed on an image or a product, as disclosed in Knight" (page 4 paragraph 2).

Kennedy discloses a system for interactively designing prosthetic implants using two x-ray images to create an implant topology which is later used to manufacture an implant. Knight is limited to a method for enabling remote users to superimpose product logos and

Serial No.: 09/975,027  
Docket No.: 48617.0200

other designs onto digitized images of a variety of products (e.g., coffee mugs, watches, baseball caps, tee shirts, etc.). According to Knight, a user superimposes graphics onto a digital image only to determine a design and design placement that best suits their needs and preferences.

Applicants assert that neither Kennedy, Knight, nor any combination thereof, disclose or suggest at least, "facilitating real time interaction by a plurality of authorized users to place and manipulate said template and said medical images," as similarly recited by amended independent claims 1 and 17.

Dependent claims 2-12 variously depend from independent claim 1. As such, claims 2-12 are differentiated from the cited references for at least the reasons set forth above, as well as their own respective features.

The Examiner rejects claims 18, 19 and 21 under 25 U.S.C. § 103(a) as being unpatentable over Killcommons in view of Moshfeghi in further view of Kennedy and Knight. Applicants respectfully traverse these rejections.

The Examiner correctly notes that Killcommons does not "disclose a database for storing at least one template, wherein said at least one template is configured to be displayed with one or more of said medical images" (page 10, paragraph 4). The Examiner further asserts that, "while the template disclosed in Kennedy is not displayed on a web page, it is known in the art that a template may be displayed on a web page, where the template is placed on an image or a product, as disclosed in Knight" (page 10 paragraph 4). Applicants respectfully disagree.

Applicants assert that neither Killcommons, Moshfeghi, Kennedy, Knight, nor any combination thereof, disclose or suggest at least, "facilitating real time interaction by a plurality of users to place and manipulate said template and said medical images" as recited by amended independent claim 18. Dependent claims 19 and 21 depend from independent claim 18, so claims 19 and 21 are differentiated from the cited references for at least the reasons set forth above, as well as their own respective features.

The Examiner rejects claim 20 under 25 U.S.C. § 103(a) as being unpatentable over Killcommons in view of Kennedy and Knight. Applicants respectfully traverse these rejections. Claim 20 depends from independent claim 18 and therefore is differentiated from

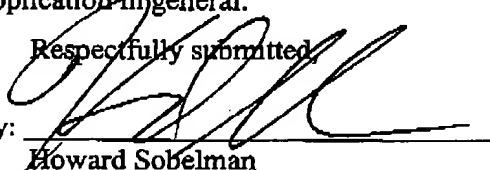
Serial No.: 09/975,027  
Docket No.: 48617.0200

the cited references for at least the reasons set forth above, as well as its own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. No new matter is added in this Reply. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: December 13, 2005

By:   
Howard Sobelman  
Reg. No. 39,038

**SNELL & WILMER L.L.P.**  
400 E. Van Buren  
One Arizona Center  
Phoenix, Arizona 85004  
Phone: 602-382-6228  
Fax: 602-382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)